

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO:15774/1998

BETWEEN:

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Sri H.Basavaraj,
A/o 46 years, s/o H.Basappa,
Working as Manager,
Tungabhadra Gramin Bank,
Makarabbi-583216.
Huvinahadagali (Tq.)
Bellary Dist.

(Party in Person)

..Petitioner

AND:

1. Tungabhadra Gramin Bank,
H.O: 32, Sanganakal Road,
Gandhinagar, Bellary.
rep by its Chairman.

2. Sri Ananda Naik,
Enquiry Officer,
Tungabhadra Gramin Bank,
H.O: Sanganakal Road,
Bandhinagar, Bellary.

..Respondents

. . .

W.P. is filed u/A 226 of the Constitution of India with a prayer to quash vide Annexure-A the appointment of the R2 as enquiry officer by the R1 as void, illegal and etc.

This petition coming on for prly.hg. this day the court made the following:

ORDER

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The present writ petition is primarily directed against the proceedings of the Chairman of the 1st respondent bank dt. 19.03.1998 (Annexure 'A') appointing the 2nd respondent as Enquiry Officer to enquire into the acts of misconduct levelled against the petitioner.

2. Heard the petitioner in person. It appears that he is working in the respondent bank as Manager in the branch office at Makarabbi. ^{Further} It appears that on account of certain acts of omissions and commissions on the part of the petitioner, enquiry has been initiated against him by framing two charges under the letter dt. 7.2.1998 (Annexure 'B'). On bare reading of the charges at Annexure 'B', I am of the view that this requires deeper investigation / enquiry on the facts asserted therein on the basis of records of the management and evidence to be led by the contesting parties. Mere framing of charges ^{can} ~~will~~ not amount to ^{concluded finding of} ~~fact of~~ misconduct, which ^{he can always} ~~can~~ be defended by the petitioner by placing all the relevant materials. Moreover, he has not made out any allegations against the enquiry officer. The petitioner can also defend his case by placing relevant materials and leading evidence. In my opinion, the petitioner has approached this Court at premature stage.

3. Accordingly, the writ petition is dismissed. All the rights and contentions of the parties on merits are kept open.

Sd/-
JUDGE



jsk/-